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Attorneys for Defendant / Third-Party Plaintiff, WESTCHESTER  
 SURPLUS LINES INSURANCE COMPANY

UNITED STATES DISTRICT COURT  
 NORHTERN DISTRICT OF CALIFORNIA  
 SAN FRANCISCO

SIERRA BAY CONTRACTORS, INC., A California Corporation,	)	CASE NO.: 3:10-cv-04611-RS
Plaintiff,	)	<b>STIPULATION AND [PROPOSED]</b>
vs.	)	<b>ORDER FOR DISMISSAL OF LIBERTY</b>
WESTCHESTER SURPLUS LINES	)	<b>SURPLUS INSURANCE</b>
INSURANCE COMPANY, a Georgia	)	<b>CORPORATION</b>
corporation, and DOES 1 through 50,	)	
inclusive,	)	
Defendants.	)	
AND RELATED CROSS-ACTIONS	)	

Pursuant to F.R.C.P. 41, Defendant and Third-Party Plaintiff, Westchester Surplus Lines Insurance Company (“Westchester”), and Third-Party Defendant, Liberty Surplus Insurance Corporation (“Liberty Surplus”), have agreed and hereby stipulate to the dismissal of Liberty Surplus from Westchester’s First Amended Third-Party Complaint, with prejudice, subject to said parties’ mutual waiver of costs. Said parties request the Court’s approval and execution of the below proposed order for dismissal.

1           **IT IS SO STIPULATED.**

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3       DATE: December 19, 2012

McCORMICK, BARSTOW, SHEPPARD, WAYTE  
& CARRUTH, LLP

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6           By: /s/ Jay A. Christofferson  
              JAY A. CHRISTOFFERSON  
              Attorneys for Third-Party Defendant,  
              LIBERTY SURPLUS INSURANCE CORP.

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8  
9       DATE: December 19, 2012

MORALES, FIERRO & REEVES


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11           By: /s/ David Astengo  
              DAVID A. ASTENGO  
              Attorneys for Defendant and Third-Party  
              Plaintiff, WESTCHESTER SURPLUS LINES  
              INSURANCE COMPANY

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15           **[PROPOSED] ORDER OF PARTIAL DISMISSAL**

16           Having reviewed the above stipulation, the Court orders that Defendant and Third-Party  
17       Plaintiff, Westchester Surplus Lines Insurance Company's, First Amended Third-Party Complaint  
18       against Third-Party Defendant, Liberty Surplus Insurance Corporation, be dismissed, with  
19       prejudice. The remainder of Westchester Surplus Lines Insurance Company's First Amended  
20       Third-Party Complaint shall not be changed or impacted by this Order.

21           **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

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23       Date: 12/20/12

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              HONORABLE RICHARD SEEBORG  
              United States District Court  
              Northern District of California